

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MEYNARD DESIGNS, INC. AND EARTH
VISIONS INC.

Plaintiffs,

v.

EARTH PRODUCTS INC.

Defendant.

CIVIL ACTION NO. 05 cv 11781 NMG

**ASSENTED-TO MOTION TO ADMIT COUNSEL *PRO HAC VICE* FOR
DEFENDANT**

I, Steven M. Bauer, a member of the bar of this Court, move pursuant to Local Rule 83.5.3 for the admission of attorney Derrick W. Toddy of the firm of Klarquist Sparkman, LLP, 121 S.W. Salmon Street, Suite 1600, Portland, Oregon 97204, as counsel for Earth Products Inc., in this action, *pro hac vice*.

As stated in the accompanying declaration (attached as Exhibit A), Mr. Toddy is admitted to the bar of the State of California, and is also admitted to practice in various Federal Courts.

Messr. Toddy is a member in good standing in every jurisdiction in which he has been admitted to practice, has no disciplinary proceedings pending against him, and is familiar with the Local Rules of the United States District Court for the District of Massachusetts. See Exhibit A.

Steven M. Bauer, a member in good standing of the bar of this Court, has entered an appearance in this action and will act as co-counsel for the Defendant.

WHEREFORE, it is respectfully requested that Attorney Toddy be admitted *pro hac vice* to appear on behalf of Defendant Earth Products Inc.

Date: October 16, 2006

Respectfully submitted,

/s/ Steven M. Bauer
Steven M. Bauer (BBO #542531)
Proskauer Rose LLP
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ATTORNEY FOR DEFENDANT
EARTH PRODUCTS INC.

CERTIFICATE PURSUANT TO CIVIL LOCAL RULE 7.1

I certify that on October 10, 2006, counsel for defendant Earth Products Inc., spoke with counsel for plaintiffs Meynard Designs, Inc. and Earth Visions Inc., and counsel for Plaintiff assented to this motion.

/s/ Steven M. Bauer
Steven M. Bauer

CERTIFICATE OF SERVICE

I certify that, on this 16th day of October, 2006, the Motion for Admission *Pro Hac Vice* filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

/s/ Steven M. Bauer
Steven M. Bauer

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DECLARATION OF DERRICK W. TODDY

I, Derrick W. Toddy, declare that the following is true and correct under penalty of perjury, pursuant to 28 U.S. C. §1746:

1. I am an attorney at law and associate in the law firm of Klarquist Sparkman, LLP, with offices located at 121 S.W. Salmon Street, Suite 1600, Portland, Oregon 97204.

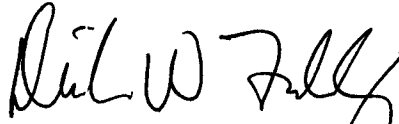
2. I am admitted to the bar of the State of California, and am also admitted to practice in the following Federal Courts: United States Court of Appeals for the Ninth Circuit and United States District Court for the Northern District of California.

3. I am in good standing in every jurisdiction in which I have been admitted to practice.

4. There are no disciplinary proceedings pending against me in any court or jurisdiction.

5. I am familiar with the Local Rules for the United States District Court for the District of Massachusetts.

Date: October 6, 2006

A handwritten signature in black ink, appearing to read "Derrick W. Toddy", written over a horizontal line.

Derrick W. Toddy
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